

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**ELIGAH DARNELL, JR.,
(Tarrant No. 0279245),**

Plaintiff,

VS.

R. SABO, Et Al.,

Defendants.

§
§
§
§
§
§
§
§

CIVIL NO. 4:19-cv-871-O

**ORDER ADOPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION, and
ORDER STAYING and ADMINISTRATIVELY CLOSING CASE**

This civil action was initiated by the filing of a Notice of Removal of a civil case originally filed by Tarrant County Jail inmate/plaintiff Eligah Darnell, Jr. in the 67th District Court, Tarrant County, Texas. Notice of Removal, ECF No. 1. On June 1, 2020, the magistrate judge entered a findings, conclusions, and recommendation that the Court grant Defendants' First Amended Motion to Dismiss, or in the Alternative Stay the Proceedings, and stay and administratively close the case. Findings, Conclusions, and Recommendation, ECF No. 25. The report recommended that the claims for injunctive and declaratory relief be stayed on the basis of *Younger v. Harris*, 401 U.S. 37 (1971) (*Younger* abstention), and that the claims for monetary damages be stayed on the basis of *Mackey v. Dickson*, 47 F.3d 744, 746 (5th Cir. 1995) and *Gates v. Strain*, 885 F.3d 874, 883 (5th Cir. 2018). *Id.* at 3-7. Eligah Darnell, Jr. has filed handwritten objections to the magistrate judge's report. Objections, ECF No. 26.

The Court has thus made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;

2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 1, 2020 (ECF No. 25); and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 15, 2020 (ECF No. 26).

The Court, after **de novo** review in accordance with 28 U.S.C. § 636(b)(1), concludes that the findings and conclusions of the magistrate judge are correct, and they will be accepted as the findings and conclusions of the Court.

Accordingly, it is **ORDERED** that the findings, conclusions, and recommendation of the magistrate judge (ECF No. 25) are **ADOPTED**.

It is further **ORDERED** that the Defendants' Second Amended Motion to Dismiss (ECF No. 7) is **GRANTED**, in part, such that this case is **STAYED** and **ADMINISTRATIVELY CLOSED**. The Clerk of Court shall submit Form JS-6 to the Administrative Office of the United States Courts to remove the case from the statistical records.

It is further **ORDERED** that plaintiff Eligah Darnell, Jr. must file a motion to reopen this case within sixty (60) days after entry of judgment in the underlying state criminal case. Darnell is warned that the failure to timely file a motion to reopen as set forth herein, may result in the dismissal of this case for failure to prosecute and failure to comply with court orders under Federal Rule of Civil Procedure 41(b).

SO ORDERED this **23rd day of June, 2020**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE